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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/828,665 | 04/21/2004 | Michel Desgagne | I-2-0496.1US | 4930 |

24374 7590 07/31/2006

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PHILADELPHIA, PA 19103

EXAMINER

PHUNKULH, BOB A

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| ART UNIT | PAPER NUMBER |
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2616

DATE MAILED: 07/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/828,665

Applicant(s)

DESGAGNE ET AL.

Examiner

Bob A. Phunkulh

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-8 and 1013 is/are rejected.
- 7) ☒ Claim(s) 2 and 9 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This communication is in response to applicant's 06/12/2006 amendment(s)/response(s) in the application of **DESGAGNE et al.** for "**METHOD AND SYSTEM FOR INTEGRATING RESOURCE ALLOCATION BETWEEN TIME DIVISION DUPLEX AND FREQUENCY DIVISION DUPLEX IN WIRELESS COMMUNICATION SYSTEMS**" filed 04/21/2004. The amendments/response to the claims have been entered. No claims have been canceled. No claims have been added. Claims 1-13 are now pending.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3-5, 8, 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miya (US 2002/0105913) in view of *Takoa* et al. (US 2002/0173277), hereinafter *Takoa*.

Regarding claim 1, Miya discloses a method for integrating time division duplex (TDD) and frequency division duplex (FDD) in wireless communication systems, the method comprising the steps of:

receiving radio access bearer (RAB) requests along with a plurality of parameters regarding the request (see paragraph 0042);

selecting either a TDD or FDD connection based on the level of congestion or type of services requested (see paragraph 0042).

Miya fails to disclose selecting the TDD or FDD connection based on the estimated a degree of symmetry in the uplink and downlink connections.

Takoa, on the other hand, discloses monitoring the amount of data transfer volumes on the uplink and the downlink at the a monitoring station i.e. RNC or BSC (see paragraph 0083) selecting the FDD or mix TDD/FDD connection based on the amount data transfer volumes (degree of symmetry) in the uplink and downlink connections (see paragraphs 57-60).

Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention was made implement the prior art teaching of *Takoa* especially selecting high data rate for TDD transmission and low data rate for FDD transmission in the system taught by Miya in order to provides efficient used of the systems' resources –where TDD is suitable for high speed packet transmission and FDD provides a wide coverage area to accommodate a mobile station in a favorable environment.

Regarding claim 3, Miya discloses the FDD connection is selected for RAB requests associated with voice applications(real-time request i.e. speech the FDD is selected, see paragraph 0042).

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Regarding claim 4, Miya discloses evaluating a symmetry status of the UL and DL connections periodically once an initial connection has been established in response to a RAB request; and switching between TDD and FDD modes based on said symmetry status (the mobile station select TDD or FDD based on the received signal measurement, see paragraphs 0055 to 0061).

Regarding claim 5, Miya discloses all RAB requests are processed through a FDD RNC (see figure 5 and paragraph 0042).

Regarding claim 8, Miya discloses a system for integrating TDD and FDD in a communication system, the system comprising:

- a core network (CN) (either telephone network 207 or IP network 208, see figure 5);

- a time division duplex radio network controller (TDD RNC)(RNC 203, figure 5);

- a frequency division duplex radio network controller (FDD RNC) (RNC 203, see figure 5); and,

- a TDD-FDD selector for receiving a RAB request, and

- a selector for selecting either a TDD or FDD connection based on the level of congestion or type of services requested (see paragraph 0042).

Miya fails to disclose selecting the TDD or FDD connection based on the estimated a degree of symmetry in the uplink and downlink connections.

Miya fails to disclose selecting the TDD or FDD connection based on the estimated a degree of symmetry in the uplink and downlink connections.

Takoa, on the other hand, discloses monitoring the amount of data transfer volumes on the uplink and the downlink at the a monitoring station i.e. RNC or BSC (see paragraph 0083) selecting the FDD or mix TDD/FDD connection based on the amount data transfer volumes (degree of symmetry) in the uplink and downlink connections (see paragraphs 57-60).

Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention was made implement the prior art teaching of *Takoa* especially selecting high data rate for TDD transmission and low data rate for FDD transmission in the system taught by Miya in order to provides efficient used of the systems' resources –where TDD is suitable for high speed packet transmission and FDD provides a wide coverage area to accommodate a mobile station in a favorable environment.

Regarding claim 10, Miya discloses a FDD connection is selected for RAB requests associated with voice applications (real-time request i.e. speech the FDD is selected, see paragraph 0042).

Regarding claim 11, Miya discloses the TDD RNC, the FDD RNC, and the TDD-FDD selector are integrated into an integrated TDD/FDD RNC (see figure 5).

Claims 6-7, 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Miya-*Takoa* as applied to claims 5 or 8 above, and further in view of Petersen (US 2002/0049062).

Regarding claims 6-7, 12-13, the combination of Miya-*Takoa* fails to disclose the FDD RNC includes a TDD serving radio network controller (S-RNC) and is configured to support TDD Iur protocols; and only the CN and the FDD RNC are connected via an Iu interface and RAB requests are processed through the FDD RNC.

Petersen, on the other hand, discloses the FDD RNC includes a TDD serving radio network controller (S-RNC) and is configured to support TDD Iur protocols; and only the CN and the FDD RNC are connected via an Iu interface and RAB requests are processed through the FDD RNC (see figure 1).

Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention was made includes the teaching of Petersen in the system taught by the combination of Miya-*Takoa* in order to take advantage of commonly used protocol and interface in the UTRAN network.

Allowable Subject Matter

Claims 2 and 9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments filed 6/12/2006 have been fully considered but they are not persuasive.

In response to the applicant's argument page 7, Miya discloses selecting either a TDD or FDD connection for both UL and DL based on the level of congestion or type of services requested (see paragraph 0042).

Takao's reference is cited to shown selection is based on the volume of data rather than the level of congestion.

Therefore, the combination of Miya and Takao discloses selecting TDD or FDD connection for both UL and DL based on the estimated symmetry of the UL and DL. The motivation for combination the references is discloses by Miya in paragraph 0042, where it stated that: With respect to the environment or level of congestion, the base station selects the FDD system that takes a wide coverage area to accommodate a mobile station in a favorable environment or selects the TDD system to accommodate a mobile station in a bad environment.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Conclusion

Any response to this action should be mailed to:

The following address mail to be delivered by the United States Postal Service (USPS) only:

Mail Stop _____
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

or faxed to:

(703) 872-9306, (for formal communications intended for entry)

Or:

The following address mail to be delivered by other delivery services (Federal Express (Fed Ex), UPS, DHL, Laser, Action, Purolater, Hand Delivery, etc.) as follow:

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220 20th Street South
Customer Window, Mail Stop _____
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Bob A. Phunkulh** whose telephone number is **(571) 272-3083**. The examiner can normally be reached on Monday-Tuesday from 8:00 A.M. to 5:00 P.M. (first week of the bi-week) and Monday-Friday (for second week of the bi-week).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor **Wellington Chin**, can be reach on **(571) 272-3134**. The fax phone number for this group is **(571) 273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Bob A. Phunkulh
Primary Examiner
TC 2600
Technology Division 2616
July 25, 2006

BOB PHUNKULH
PRIMARY EXAMINER